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RUEHKT/AMEMBASSY KATHMANDU 1073  
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RUEHBJ/AMEMBASSY BEIJING 0241  
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UNCLAS SECTION 01 OF 03 CHENNAI 000157

CA/FPP FOR JILL NYSTROM  
DS/CR/CFI FOR GALEN NACE  
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SCA/INS  
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Pass to DHS/CIS, DHS/ICE, DHS/CBP, DHS/FDNS

SIPDIS

SENSITIVE

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SUBJECT: Over Half of Tibetan Visitors from India Overstay Visas

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¶1. (SBU) Summary. Mission India recently conducted a validation study of the 496 B1/B2 tourist visas granted in CY-2007 and CY-2008 to stateless individuals carrying Indian-issued identity papers. All but Q of those applicants was Tibetan. Over half of these travelers appear to be potential overstays in the United States. As a result of this study, the consular section has reviewed its visa relationship with the Bureau of His Holiness the Dalai Lama. End Summary.

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Tibetans in India  
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¶2. (SBU) Tibetans are one of two officially recognized and supported refugee groups in India. An estimated 110,000 Tibetans reside within the country. The GOI has provided land for nearly 40 agricultural-based refugee settlements, helping Tibetans to preserve their culture and traditions and to enjoy self-sufficiency. The settlements are concentrated in two geographic regions - around Dharamsala in the northern state of Himachal Pradesh and in the southern state of Karnataka.

¶3. (SBU) The refugees came to India in two waves: directly after the Dalai Lama fled China in 1959 and in the aftermath of the liberalization of China's emigration policy in 1979. The GOI requires all Tibetans over 18 years-old to apply for a Registration Certificate (RC), which essentially grants permanent resident status in India. The Representative of the Dalai Lama in New Delhi, Tempa Tsering, noted that newly arrived Tibetans from Tibet must wait longer for their RC approval, but denied claims that the GOI refuses to grant documentation to these Tibetans. The annually renewable RC is a prerequisite for the Identity Certificate, a travel document resembling a passport issued by the GOI. Tibetans must possess an RC to obtain work, rent an apartment, or open a bank account.

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Now Tibetans in U.S.  
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¶4. (SBU) Throughout Mission India, stateless individuals, almost

exclusively Tibetan refugees, have applied primarily for R-1 religious visas or B1/B2 tourist visas. The refusal rates in both visa categories have traditionally been fairly high. From January 1, 2007 to December 31, 2008, Mission India received 709 R-1 applications by stateless individuals, with an overall refusal rate of 62 percent. New Delhi received 517 applications, refusing 62 percent; Chennai 55, refusing 67 percent; Mumbai 117, refusing 56 percent; and Kolkata 20, refusing 90 percent. The Mission-wide refusal rate for stateless B1/B2 applicants was 81 percent. Other visa categories have a comparatively small number of Tibetan applicants, although a group of 21 Tibetans recently spent a year on P3 performer visas, 16 of whom extended legally for a second year. Of the remaining five individuals, one is unaccounted for and the other four returned to India.

15. (SBU) Given the small number of issued stateless B1/B2 applicants in CY-2007 and CY-2008, Mission India performed a 100 percent validation study using entry/exit records (ADIS) and helpful analysis by CA/FPP. Of the 496 cases reviewed, all but one individual was of Tibetan origin. According to ADIS records, 276 individuals (55.6 percent) appear to be potential overstays and have not returned to India. New Delhi issued 433 out of 2,159 B1/B2 applicants and 223 applicants (51.5 percent) overstayed. Mumbai issued 12 out of 45 applicants and 11 (91.7 percent) overstayed. Chennai issued 57 out of 461 and 39 (68.4 percent) overstayed. Kolkata issued five out of 71 and three (60 percent) overstayed.

16. (SBU) To confirm the high overstay rate, CA/FPP double-checked all of the ADIS data under multiple spellings and formats for each traveler's biodata. FPU's Chennai and New Delhi contacted randomly selected overstays. Over half of the calls resulted in confirmations from family members that the applicants were living in U.S., or in one case, Canada. The remaining phone numbers were either fraudulent or disconnected. In short, the data appears

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accurate.

17. (SBU) Limited USCIS data indicate that in FYs 2007, 2008 and 2009 through April 28, 1,524 individuals of purported Tibetan origin applied for asylum. Some, possibly most, of those individuals likely traveled from Nepal or India, but it is suspected that many claimed asylum in identities different than the one in which they entered the United States. The visa admission class for nearly 40 percent of the asylum seekers (596) was unknown. Of the remaining 60 percent, the highest known visa admission categories were B1 or B2 (244 cases) and R-1 (158).

18. (SBU) Of the visas issued in India, there does not appear to be much, if any, coordinated document fraud. The applicants who overstayed shared little in common other than their Tibetan heritage. Twelve of the overstay cases were children, 11 of whom were traveling with their parents or purported relatives. Some common profiles were shop owners of all ages visiting friends, artists of all ages going for an exhibition, college students visiting a cousin's wedding, and even monks and former prime ministers of the Tibetan government-in-exile whose bona fides were verified by the Dalai Lama's office and who were going to accompany the Dalai Lama on his U.S. tour. Two of the overstays presented Class B referral letters from an Embassy employee.

19. (SBU) Over fifty of the issued cases have possible ties to the Office of the Dalai Lama and may result in permanent ineligibilities. Several were current or former Tibetan government-in-exile employees who either overstayed in the U.S. or facilitated the overstay of another individual. Other individuals were vouched for directly by the Office of the Dalai Lama. The Mission enjoys a close working relationship with the Office of the Dalai Lama. Due to several previous cases of Tibetan fraud and the inherent difficulties of verifying the veracity of Tibetans living in camps, Mission India FPU's would periodically verify the bona fides of visa applicants with the Office of the Dalai Lama. An important lesson of this review is that the correspondence from the Dalai Lama's office should always be in writing to ensure clarity and accountability. The number of overstays of even Dalai Lama-verified cases highlights the importance of a thorough

interview as a routine fraud prevention tool.

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What Happens Next  
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¶10. (SBU) With the recent changes to the R-1 visa category requiring DHS petitions, the number of Tibetans applying for R-1 visas has dropped significantly. Mission India expects to see a significant up-tick in the number of stateless applicants applying for B1/B2 visas. Given the overwhelming Tibetan overstay rate, Mission India will place even more scrutiny on all stateless visa applicants. Mission India has reported the list of potential overstays to CA for revocation of any valid visas and to ICE for appropriate action. FPU Chennai has entered P6C1 and P6E lookouts, as appropriate, for all individuals, both in the U.S. and in India, whose visas have expired.

¶11. (SBU) The Tibetan overstay issue is not limited to India. As a result of this study, CA/FPP randomly sampled 257 stateless (Tibetan) B1/B2 visa holders issued at Embassy Kathmandu and found a 59.9 percent overstay rate. Again, the only commonality among the applicants was the stateless travel document. The range of travelers from Kathmandu was not dissimilar to those from India with the exceptions that there were no child travelers and nearly none with connections to the Office of the Dalai Lama or the Tibetan government-in-exile. Transiting Tibetans originating in Nepal have also been detained recently at Delhi's international airport with photo-substituted passports.

¶12. (SBU) On May 1, the Minister Counselor for Consular Affairs (MCCA) met with the Dalai Lama's representative in New Delhi to discuss the rash of overstays of Tibetan travelers. Representative Tempa Tsering expressed concern over the misuse of visas by Tibetans

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and committed to investigating the cases confirmed by his office. He pledged to closely monitor any visa support letters coming from his office and to personally review fifteen cases identified by the Embassy as having connections to his office. On May 18 he met again with the MCCA to report that five of the fifteen have actually returned to India, but the other ten were unaccounted for. Regarding the nine monks who applied together in Chennai, Representative Tsering noted "it is quite clear the monks have misused" the visa, and that his office was taking "every possible effort to try to curb and root out these unhealthy practices indulged by some of our people."

¶13. (U) This cable has been cleared by all posts in Mission India.

KAPLAN